IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL G. LONG and CHERYL A. WILCOX LONG, Plaintiffs, v. BAYVIEW LOAN SERVICING, LLC; EQUIFAX INFORMATION SERVICES, LLC; EXPERIAN INFORMATION SOLUTIONS, INC. and TRANSUNION, LLC, Defendants.	Case No. 1:16-cv-11762 Honorable John Robert Blakey Honorable David M. Weisman Magistrate Judge

PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION FOR EXTENSION OF TIME TO FILE ITS RESPONSE TO EXPERIAN INFORMATION SOLUTIONS, INC.'S RULE 12(c) MOTION FOR JUDGMENT ON THE PLEADINGS

NOW COME Michael G. Long and Cheryl A. Wilcox Long ("Plaintiffs"), by and through their attorneys, Sulaiman Law Group, Ltd., hereby submit their Reply in Support of their Motion for Extension of Time to File its Response to Experian Information Solutions, Inc.'s ("Experian") Rule 12(c) Motion for Judgment on the Pleadings, and in support thereof, state as follows.

LEGAL STANDARD

Under Federal Rule of Civil Procedure 6(b)(1)(A), Plaintiffs must show "good cause" for the requested extension of time. *See Murphy v. Eddie Murphy Prods., Inc.*, 611 F.3d 322, 324 (7th Cir. 2010) ("A motion filed before the deadline may be granted 'for good cause,'…." (quoting Fed. R. Civ. P. 6(b)(1)(A)). The good cause standard focuses on the diligence of the party seeking the extension. *Alioto v. Town of Lisbon*, 651 F.3d 715, 720 (7th Cir. 2011); *Smith v. Howe Military Sch.*, 1997 U.S. Dist. LEXIS 16787, 1997 WL 662506, at *1 (N.D. Ind. Oct. 20, 1997). To demonstrate good cause, a party must show that despite its diligence, the time table could not reasonably have been met. *Smith*, 1997 U.S. Dist. LEXIS 16787, 1997 WL 662506, at *1.

ARGUMENT

Rule 6(b)(1), like all the Federal Rules of Civil Procedure, "[is] to be liberally construed to effectuate the general purpose of seeing that cases are tried on the merits." *Rodgers v. Watt*, 722 F.2d 456, 459 (9th Cir. 1983) (quoting *Staren v. American Nat'l Bank & Trust Co. of Chicago*, 529 F.2d 1257, 1263 (7th Cir. 1976)); see also Fed. R. Civ. P. 1 ("[The Federal Rules] should be construed, administered, and employed … to secure the just, speedy, and inexpensive determination of every action and proceeding."). Consequently, requests for extension of time made before the applicable deadline has passed should "normally … be granted in the absence of bad faith or prejudice to the adverse party." 4B Charles Alan Wright and Arthur R. Miller, *Federal Practice and Procedure* § 1165 (3rd ed. 2004).

The circumstances of Plaintiffs' predicament clearly demonstrates the "good cause" required by Rule 6(b)(1). "Good cause" is a non-rigorous standard that has been construed broadly across procedural and statutory contexts. *See*, e.g., *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir. 2004); *Thomas v. Brennan*, 961 F.2d 612, 619 (7th Cir. 1992); *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951, 954 (4th Cir. 1987). In its motion, Experian launches an improper collateral attack against the Bankruptcy Court's order of discharge. A "bankruptcy court has jurisdiction over challenges to its orders whatever their basis." *Townsquare Media, Inc. v. Brill*, 652 F.3d 767, 771 (7th Cir. 2011) (citing *Travelers Indemnity Co. v. Bailey*, 557 U.S. 137, 129 S. Ct. 2195, 174 L.Ed.2d 99 (2009). Without question, *Travelers* confirmed that bankruptcy court orders have finality and cannot be collaterally attacked.

Critically, the record is devoid of any indication that Plaintiffs' counsel acted in bad faith or that an extension of time would prejudice any party. To the contrary, the record reflects that Plaintiffs' counsel has acted conscientiously throughout the litigation, promptly seeking extension of time when necessary and stipulating to Experian's earlier request for an extension of time to file their answer or otherwise plead. Regardless of outcome, Plaintiffs' requested relief was reasonable, justified, and would not result in prejudice to any party. Nonetheless, Plaintiffs remain mindful that "an enlargement of the time period is by no means a matter of right." *See Eller v. Trans Union, LLC*, 739 F.3d 467, 478 n.10 (10th Cir. 2013). However, because a failure to respond to Experian's motion for judgment on the pleadings likely would be dispositive in this case, certainly resulting in prejudice to Plaintiffs, Plaintiffs implore this Court to grant Plaintiffs' Motion for Extension of Time to File its Response to Experian's Motion for Judgment on the Pleadings.

CONCLUSION

For the foregoing reasons, Plaintiffs request this Court grant their Motion for Extension of Time to File its Response to Experian's Motion for Judgment on the Pleadings; and grant any other relief deemed appropriate and equitable.

May 12, 2017

Respectfully submitted,

/s/ Joseph Scott Davidson

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CERTIFICATE OF SERVICE

I, Joseph Scott Davidson, an attorney, hereby certify that on May 12, 2017, the foregoing **PLAINTIFFS' REPLY IN SUPPORT OF ITS MOTION FOR EXTENSION OF TIME TO FILE ITS RESPONSE TO EXPERIAN INFORMATION SOLUTIONS, INC.'S RULE 12(c) MOTION FOR JUDGMENT ON THE PLEADINGS** was filed with the Clerk of the Court of the United States District Court for the Northern District of Illinois by using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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